

ORIGINAL

1 Egananswer
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FILED
DISTRICT COURT OF GUAM

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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

12 MICHAEL EGAN and BRIAN EGAN, a minor,) CIVIL CASE NO. 02-00007
13 by and through His Guardian Ad Litem, MICHAEL)
14 EGAN,
15 Plaintiffs,
16 vs.
17 UNITED STATES OF AMERICA,
18 Defendant.) ANSWER OF THE UNITED
) STATES

THE UNITED STATES, Defendant herein, submits its Answer to the Complaint as follows:

1. This is a legal conclusion that does not require a response, to the extent it does require a response, DENIES.
2. ADMITS that the plaintiffs submitted two claims to the Air Force; DENIES all other averments in this paragraph.
3. Defendant is without sufficient information to answer at this time, and therefore DENIES.

4. DENIES.

5. DENIES.

6. DENIES.

7. ADMITS that on November 9, 2000, at approximately 10:00 p.m., a vehicle driven by

Michael Egan with Brian Egan as front-seat passenger collided with an Air Force-owned vehicle driven by Marcus A. Colon; DENIES the remainder of this paragraph.

8. Defendant restates its responses to paragraphs 1 through 7 above.

9. ADMITS, except that the license plate number was 99B-149.

10. DENIES.

11. DENIES.

12. DENIES.

13. DENIES.

14. DENIES.

16. DENIES. (Plaintiffs' Complaint does not contain a paragraph 15)

AFFIRMATIVE DEFENSES

17. The Complaint fails to state a claim against the United States upon which relief can be granted.

18. If Plaintiff suffered injuries as alleged in Plaintiff's Complaint, such injuries were caused wholly or in part by Plaintiff's own negligence. Plaintiff's act or omissions was the proximate cause of Plaintiff's injuries as alleged.

19. Plaintiff's alleged injuries were not caused in whole or in part by Defendant but were the proximate cause of actions or omissions of an unknown third party.

RELIEF

20. Defendant requests that judgment be entered for Defendant and against Plaintiff.

21. Defendant request costs and attorneys' fees.
22. Defendant requests such other and further relief as the Court deems proper.

RESPECTFULLY submitted this 2nd day of April 2002.

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

BY: MIKEL W. SCHWAB
Assistant U.S. Attorney

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2 CERTIFICATE OF SERVICE

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4 I, FRANCES B. LEON GUERRERO, Legal Secretary, working in the U.S. Attorney's
5 Office, in the District of Guam, hereby certify that on 2nd day of April, 2002, I caused to be served
6 by personal service a copy of "Answer of the United States", in Civil Case No. 02-00007 to:

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William L. Gavras, Esq.
Gorman & Gavras
118-A Chalan Santo Papa
Hagatna, Guam 96910

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Frances B. Leon Guerrero
FRANCES B. LEON-GUERRERO
Legal Secretary

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